



Mr James Agnew
Pokolbin Winemakers Outlet
2188 Broke Road
POKOLBIN, NSW 2320

jagnew@agnewwines.com.au

Dear Mr Agnew

**Application for Revocation of Licence Conditions
Pokolbin Winemakers Outlet**

I am writing to you about an application made by Mr James Agnew, to the Independent Liquor and Gaming Authority on 7 January 2015, seeking the revocation of licence conditions numbered "210" and "220" from the packaged liquor licence number LIQP724012522 in respect of premises located at Pokolbin Village, 2188 Broke Road, Pokolbin known as "Pokolbin Winemakers Outlet".

The Application was considered by the Authority who has decided on 29 July 2015 to grant the Application and vary the two licence conditions, pursuant to section 53 of the *Liquor Act 2007* (Act). This decision was advised to you informally in an email from Authority staff dated 13 August 2015.

Under section 36C of the *Gaming and Liquor Administration Act 2007*, the Authority is required to publish statements of reasons with respect to those types of decisions prescribed by clause 6 of the Gaming and Liquor Administration Regulation 2008. This letter attaches the statement of reasons for the Authority's decision to grant the Application. It has been prepared in the context of a high volume liquor jurisdiction that requires the publication of statements of reasons as soon as practicable.

The detailed conditions subject to which the licence is granted will be set out in the OneGov record of the liquor licence, to be provided separately by Authority staff.

If you have any questions, please contact the case manager, Ms Trudy Tafea, via email at trudy.tafea@ilga.nsw.gov.au.

Yours faithfully

Micheil Brodie
Chief Executive

- 6 DEC 2015

STATEMENT OF REASONS

INTRODUCTION

1. On 7 January 2015, the Independent Liquor and Gaming Authority (Authority) received an application (Application) lodged by Mr James Patrick Agnew (Applicant).
2. The Application is made pursuant to section 53(2)(a) of the *Liquor Act 2007* (Act) in respect of the packaged liquor licence for premises located at Pokolbin Village, 2188 Broke Road, Pokolbin known as "Pokolbin Winemakers Outlet" (Premises).
3. The Application proposes that the packaged liquor have the following conditions removed from liquor licence number LIQP724012522:

Condition 210:

No sales of beer or spirits will be made under the licence.

Condition 220:

This licence authorises only sales of wine made (at least as to the proportion by volume specified in regulation 21(2) of Australian Wine and Brandy Corporation Regulation 1981) from grapes grown in the Hunter Valley region (as defined in the Register of Protected Names maintained pursuant, to s40Z of the Australian Wine and Brandy Corporation Act 1980) to the intent that such wine shall comprise at least 85% by volume of wine made from grapes grown in such Region.

MATERIAL BEFORE THE AUTHORITY

4. Application Form Change Liquor Licence Condition filed with the Authority on 7 January 2015: In the Application form, the Applicant seeks to have condition 210 and 220 removed from the licence. The Applicant submits that these conditions were imposed upon the licence 11 years ago. The Applicant contends that since this time "there has been a significant shift in consumer demands in Australia". The Applicant further contends that there has been "an increase in the consumption and demand for cider and craft/boutique beer".
5. The Applicant contends that the community where the Applicant operates "is under serviced" as a result of "only one other venue in the Pokolbin region that is permitted to sell all wines, beers, ciders and spirits".
6. The Applicant submits that by removing the restrictive conditions 210 and 220, the Premises "will be able to properly cater to these demands and therefore better service the region, in particular the tourism sector".
7. The Applicant states that the patron capacity for the licensed area of the Premises (which the Authority notes is a packaged liquor licensed outlet, authorising the sale of packaged liquor for consumption off the Premises) is between 15-20 people.
8. Copies of stakeholder notices: notifying the Application to various stakeholders as required by the liquor legislation - including Police, Council and the site notice placed on the Premises.
9. Email from Authority Staff dated 25 March 2015 at 3:07pm: Authority staff inform the Applicant that the following material is required:
 - a) evidence that condition 230 has been complied with

- b) information that will satisfy the Authority that the manner of operation of the licensed Premises will not significantly change in the event that this Application is granted
 - c) information that will satisfy the Authority that the Licensee will ensure that the statutory considerations in section 3(2) of the Act will be addressed by the licensed business.
10. Authority staff also place the Applicant on notice that condition "240" on the licence (which pre-dates the current Act and requires the payment of any further fee should amendment of another condition be sought) is also under consideration to be revoked, on the basis that this condition is "no longer applicable following the changes in legislation".
 11. Email from the Applicant to Authority staff dated 25 March 2015 at 4:15pm: The Applicant responds to the requests made by Authority staff in their email dated 25 March at 3:07pm by attaching the correspondence between the Hunter Valley Wine and Tourism Association (HVWTA) dated 16 December 2014 and 22 January 2015 by way of evidence of previous compliance with the restrictions on liquor sales.
 12. The Applicant addresses section 3(2) of the Act by stating that the reason for this Application "is to augment the product offering" currently available at the Premises "to allow for the inclusion of some specific items such as champagne and boutique or craft beer". The Applicant contends that there has been an "increase in demand" for these liquor products, which are not currently being "sufficiently served in the Hunter Wine region".
 13. The Applicant contends that granting this Application would not result in "a substantial or even noticeable variance" in the manner with which the licensed business on the Premises operates but would instead broaden the potential market base for the liquor store and would "increase vigilance" with respect to matters pertaining to RSA and harm minimisation.
 14. The Applicant submits that granting the Application will not change the size of the Premises or its operating hours, which are currently more constrained than the licence allows, as the Premises will continue to operate as it currently does as a "specialty wine retailer" within the Hunter region.
 15. The Applicant submits that the liquor store does not operate in isolation and is part of the Agnew Wines Group. The Applicant contends *inter alia* that:
 - a) the "existing efforts relating to ongoing staff training and support with regards to RSA and harm minimisation" will continue
 - b) "upgraded security measures" such as CCTV will be installed
 - c) The business will act "in full compliance with the local liquor accord".
 16. Email from the Applicant to the Secretary of the HVWTA dated 16 December 2014 at 4:31pm: informing HVWTA of the Application.
 17. Email submission from HVWTA to the Applicant dated 22 January 2015 at 7:56am: informing the Applicant that HVWTA "does not object" to the Application.
 18. Letter from the Authority's Chief Executive dated 28 April 2015: Authority staff inform the Applicant that the effect of removing condition 210 from the licence "will allow any type of liquor to be sold which could have a significant impact on the local community" and that the Act provides the Authority with discretion to request a Community Impact Statement (CIS). The Authority requests the Applicant to provide a Category B CIS in support of the

Application so that the Authority can be satisfied that Police, the local council and the local community have had an opportunity to comment fully on the Application. Authority staff informed the Applicant that the Authority cannot approve the Application unless satisfied the overall social impact of granting the Application will not be detrimental to the well-being of the local or broader community.

19. CIS filed with the Authority on 9 June 2015: The various contentions and submissions made by the Applicant in the CIS document regarding the overall social impact of granting the Application are discussed in further detail below.
20. Notification Map: The first page of this document identifies the neighbouring shops within Pokolbin Village that were provided with notification and the second page identifies the neighbouring premises that were provided with notification.
21. Email from Mr Samuel Newman, Planning Assessment Officer, Cessnock City Council (Council) dated 27 January 2015: containing the completed Council response to the Application - Notice to Local Consent Authority and stating that a further Development Consent is not required to permit (from a planning perspective) the proposed licence changes.
22. Email to the Authority dated 18 March 2015 from a delegate of the Secretary of the NSW Trade and Investment (Secretary) via the Compliance Enforcement and Compliance of OLGR: OLGR did not provide a specific comment on the Application and noted that it "does not intend to carry out any further assessment".
23. Email submission from Senior Constable Kelvin Boak of the Central Hunter Local Area Command (LAC) of NSW Police to the Authority dated 16 July 2015 at 3:19pm: Police submit that they have "no objection to the change of licence condition".
24. Email from Authority staff dated 5 June 2015 at 5:56pm: Authority staff acknowledge receipt of the CIS but inform the Applicant that Part 2 of the CIS Form was not completed and that the Applicant needs to provide the Authority with evidence of consultation with the following stakeholders:
 - a) recognised leaders or representatives of the local Aboriginal community
 - b) NSW Department of Health (DOH)
 - c) NSW Department of Family and Community Services (FACS)
 - d) NSW Roads and Maritime Services (RMS).
25. Email to Authority staff from Ms Saskia Beattie, National Key Account Support Manager of Agnew Wines, on behalf of the Applicant dated 9 June 2015 at 12:06pm: Ms Beattie contends that the Applicant has made contact via phone and email notification with the Mindaribba Local Aboriginal Land Council, Hunter New England Health Department, DOFCS Cessnock and RMS Cessnock. The Applicant contends that it "does not foresee any issues being raised by the stakeholders that were notified".
26. The Applicant submits that the CIS documentation has been updated to reflect these stakeholder notifications and part 2 has been updated to reflect that they are not applicable.
27. Email from Authority staff dated 9 June 2015 at 1:23pm: informing the Applicant that the submission close date is 10 July 2015.
28. Email from Authority staff dated 14 July 2015 at 3:39pm: informing the Applicant "no submissions were received" on the CIS. Authority staff note that the current licensed trading hours recorded on the licence are between 5:00am and 12:00 midnight Monday

through Saturday and 10:00am and 10:00pm Sundays. Authority staff request that the Applicant confirm that should the Application be granted the licensed trading hours will be amended under section 12(1B) and (1C) to Monday to Sunday 10:00am to 10:00pm.

29. Authority staff also request that the Applicant provide an official dated Plan of Management and address the proposal that the Authority place a condition on the licence mandating that the licensee conduct the licenced business in accordance with its Plan of Management. Authority staff further requested the Applicant provide a copy of the Plan of the licensed Premises outlining with a coloured line the boundaries of the licensed area of the Premises.
30. Email to Authority staff from Ms Beattie, National Key Account Support Manager of Agnew Wines, on behalf of the Applicant dated 15 July 2015 at 2:34pm: In this email, the Applicant agrees to the trading hours being amended to Monday to Sunday 10:00am to 10:00pm and has attached a copy of the Plan of Management dated 15 July 2015 and the Plan of the Premises as requested in the email from Authority staff dated 14 July 2015.
31. Pokolbin Wine Outlet Plan of Management dated 15 July 2015: In this 1-page document, the Applicant contends that the Premises will be operated in the "most responsible manner at all times".
32. The Applicant contends that "ongoing staff training is a priority", that "wine education and staff training is provided for all staff on a regular basis", that all staff would hold a current Responsible Service of Alcohol (RSA) certificate, and that staff will be "required to revise RSA rules".
33. The Applicant submits *inter alia* that "harm minimisation is a priority"; that staff have the right to refuse service to intoxicated persons and remove them from the Premises; that staff have the right to request proof of age identification; that plans are in place to recruit experienced staff to help manage security; that plans are in place to install "upgraded security measures such as CCTV"; and that the store does not operate in isolation as it is part of the "Agnew Wines group which operates a winery, two cellar doors and two accommodation venues, attended to by over 50 staff in the Hunter region alone".
34. Plan of the Premises: This first page of this document shows the location of the Premises in relation to the Pokolbin Village and the second page shows a zoomed in floor plan. These documents both depict the boundaries for the licensed area of the Premises with a red line.
35. The NSW Bureau of Crime Statistics and Research (BOCSAR) Crime Maps based upon data from April 2014 to March 2015 detailing hotspots of offences for the location of the Premises: This data obtained from published BOCSAR sources indicates that the immediate location surrounding the Premises at 2188 Broke Road, Pokolbin, is not within any hotspots for incidents of *malicious damage to property*. The data indicates that the Premises is located within an area that has a low rate of 0-495.0 incidents of *domestic assault* per 100,000 persons and an area that has a rate of 0-1545.2 incidents of *non-domestic assault* per 100,000 persons.
36. Authority licensing records indicating the addresses of other liquor licenced premises in the state suburb of Pokolbin.
37. Authority liquor license density data: It is noted that the Cessnock Local Government Area (LGA) had a rate of 25.58 *packaged liquor licences* per 100,000 persons and the postcode 2320 (which includes Aberglasslyn, Allandale, Anambah, Bolwarra, Bolwarra

Heights, Farley, Glen Oak, Gosforth, Hillsborough, Horseshoe Bend, Keinbah, Largs, Lorn, Louth Park, Maitland, Maitland Vale, Melville, Mindaribba, Mount Dee, Oakhampton Heights, Pokolbin, Rosebrook, Rothbury, Rutherford, South Maitland, Telarah, Wallalong, Windella) had a rate of 13.66. These statistics for packaged liquor licences show that both postcode 2320 and Cessnock LGA have lower rates than the NSW state average of 32.85. The licensing data shows that the Cessnock LGA has lower rates than the NSW average for *club licences*, *full hotel licences*, *liquor limited licences* and *on-premises licences*.

38. Data on Crime by LGA and Alcohol Related Status obtained from published BOCSAR sources for calendar year 2013. The rate of recorded *domestic violence related assault* incidents in which alcohol was flagged by reporting Police as a contributing factor across the Cessnock LGA was 260 per 100,000 persons, which is significantly higher than the NSW state average of 145 per 100,000 persons. The rate of *non-domestic violence related assault* incidents flagged by reporting Police as alcohol related in the Cessnock LGA for 2013 was 165, lower than the rate for NSW of 191. The rate of *offensive conduct* offences flagged by reporting Police as alcohol related in this LGA was 30 per 100,000 persons, which is significantly lower than the NSW rate of 83. The rate of *assault police* incidents flagged by reporting Police as alcohol related in this LGA was 20, lower than the NSW rate of 24. The statistics outline that the rate of alcohol related *malicious damage to property* in the Cessnock LGA is 165, which is higher than the NSW rate of 122.
39. Socio Economic Index for Areas (SEIFA) data published by the Australian Bureau of Statistics (ABS): ABS data indicates that the suburb of Pokolbin is ranked in the ninth decile, while the Cessnock LGA as a whole ranked in the second decile across the State of NSW on the Index of Relative Socio-Economic Advantage and Disadvantage (with a decile ranking of 10 being the most advantaged).

STATUTORY OBJECTS AND CONSIDERATIONS

40. In determining the Application, the Authority has considered relevant provisions of the Act, including the objects and considerations that are prescribed by section 3, which states:
- 3 *Objects of Act*
- (1) *The objects of this Act are as follows:*
- (a) *to regulate and control the sale, supply and consumption of liquor in a way that is consistent with the expectations, needs and aspirations of the community.*
 - (b) *to facilitate the balanced development, in the public interest, of the liquor industry, through a flexible and practical regulatory system with minimal formality and technicality,*
 - (c) *to contribute to the responsible development of related industries such as the live music, entertainment, tourism and hospitality industries.*
- (2) *In order to secure the objects of this Act, each person who exercises functions under this Act (including a licensee) is required to have due regard to the following:*
- (a) *the need to minimise harm associated with misuse and abuse of liquor (including harm arising from violence and other anti-social behaviour),*
 - (b) *the need to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor,*
 - (c) *the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.*
41. Section 48(3) of the Act requires all relevant applications must be accompanied by a CIS and section 48(2)(f) defines relevant applications to include any particular application (or class of application) that is required by the Authority to be accompanied by a CIS. The Authority, in this specific case exercised its power under section 48(2)(f) and requested

the Applicant provide a CIS. The Authority must therefore now apply the overall social impact test under section 48(5).

42. Under section 48(5) of the Act, the Authority *must not* grant a licence, authorisation or approval of a kind prescribed by section 48(2) of the Act unless the Authority is satisfied, having regard to the CIS and any other matter the Authority is made aware of during the Application process, that the overall social impact of the licence, authorisation or approval in question being granted will not be detrimental to the local or broader community.

43. Section 48(5) of the Act states:

48 *Community impact*

- (5) *The Authority must not grant a licence, authorisation or approval to which a relevant application relates unless the Authority is satisfied, after having regard to:*
- (a) *the community impact statement provided with the application, and*
 - (b) *any other matter the Authority is made aware of during the application process (such as by way of reports or submissions),*
- that the overall social impact of the licence, authorisation or approval being granted will not be detrimental to the well-being of the local or broader community.*

44. Section 53 of the Act empowers the Authority to impose, vary or revoke licence conditions, either upon the application of a party with standing to make such an application, or upon the Authority's own initiative. Section 53 states, relevantly:

53 *Authority may impose, vary or revoke licence conditions*

- (1) *Without limiting any other provision of this Act, the Authority may at any time:*
- (a) *on application by the Secretary or the Commissioner of Police, or*
 - (b) *on the Authority's own initiative,*
- impose conditions on a licence*
- (1A) *The conditions that may be imposed by the Authority on a licence under this section include, but are not limited to, conditions:*
- (a) *prohibiting the sale or supply of liquor on the licensed premises before 10am or after 11pm (or both), and*
 - (b) *restricting the trading hours of, and public access to, the licensed premises.*
- (2) *The Authority may at any time:*
- (a) *on application by the licensee, the Secretary or the Commissioner of Police, or*
 - (b) *on the Authority's own initiative,*
- vary or revoke a condition of a licence that has been imposed (or taken to have been imposed) by the Authority under this Act.*

APPLICANT CASE ON SOCIAL IMPACT

45. The Applicant submits that the Application seeks the removal of the "current, outmoded restrictions" placed on the liquor licence so that the Premises can "sell beer and spirits as well as wine".

46. The Applicant contends that the "Pokolbin region is severely underserved with regards to the available choice of beer, wines and spirits for takeaway consumption" as there is only "one other local venue currently licensed to retail beer, wine and spirits unencumbered".

47. The Applicant contends that since 2004, "demand for boutique items" such as "craft beer and cider has been growing across Australia" in addition to sparkling wine consumption having almost doubled. The Applicant contends that the conditions on the current licence act as "a restraint of trade" preventing the Premises from "tending to these consumer requirements" The Applicant contends that "this is a point acknowledged by the HVWTA in their deliberations of this Application".

48. The Applicant contends that for the last 10 years, the Premises has received "continued requests from guests, visitors and residents in the Lower Hunter for craft beer and super premium imported wines and sparkling wines".
49. The Applicant contends that granting this Application would allow the Premises to "be able to satisfy this growing demand in the Hunter Valley" and "significantly lift the amenity and appeal" of the largest regional tourism destination in New South Wales.
50. The Applicant contends that granting this Application "will have no measurable negative impact on the local community whatsoever" as the Application is not seeking to extend trading hours as the Premises will continue to trade from 10:00am to 5:00pm Monday to Thursday and 10:00am to 6:00pm Friday and Saturday.
51. The Applicant contends that if the Application is granted the Premises intends to offer products that are "regarded as luxury, boutique or craft" and will price them accordingly.
52. The Applicant contends that the "intended restrictive offering of products" combined with the "day time hours only trading period" will "impart a negligible increase in negative impacts, such that any such impacts would be indiscernible from the current risks or impact under the existing licence".
53. The Applicant further contends that this approach will "restrict access and significantly temper any appeal to or approach from underage drinkers and intoxicated persons".
54. The Applicant contends that, since acquiring the property, the Premises has been operating the current packaged liquor licence for "almost a decade" without incident.
55. The Applicant contends that granting the Application to remove the conditions from the licence will provide "substantial public interest benefits" by way of:
 - a) increasing choice for visitors
 - b) providing an immediate and positive long term impact on the visitor economy in the Hunter Valley region.
56. The Applicant submits that it "cannot see that there will be any increase in risk or harm in allowing these conditions to be lifted".
57. The Applicant submits that all surrounding neighbours and stakeholders were provided with notice of the Application and the HVWTA "supported the amendment to the licence".
58. The Applicant contends that granting this Application would not result in "a substantial or even noticeable variance" in the manner with which the Premises operates but would instead "broaden the potential market base" for the store and "increase vigilance" with matters pertaining to RSA and harm minimisation.
59. The Applicant contends that granting the Application will not change the size of the Premises or its actual operating hours, which are currently more limited than the licence allows, as the Premises will remain operating, as it currently does, as a "specialty wine retailer" within the Hunter region.

REASONS

60. The Authority is satisfied, on the basis of the Application material before the Authority and the absence of any submissions to the contrary that the Application has been validly made under section 53 of the Act and that minimum procedural requirements with regard

to the Application, CIS and community consultation have been satisfied. This finding is made on the basis of the Application and CIS material provided by the Applicant.

Overall Social Impact Test

61. While section 53 does not specify the legislative test when considering an application to revoke existing licence conditions, and as such this will usually involve an assessment as to whether the proposed application is in the public interest (guided by the statutory objects and considerations provided by section 3 of the Act) in this instance the Authority has requested the Applicant to submit a CIS and thus the Authority must consider whether, for the purposes of section 48(5) of the Act, the overall social impact of granting the Application will *not* be detrimental to the wellbeing of the local or broader community.
62. Applying the social impact test requires a degree of speculation, albeit speculation informed by the particular proposal and the prevailing circumstances in the relevant local or broader community.
63. For the purposes of the overall social impact test prescribed by section 48(5) of the Act, the Authority is satisfied that the local community comprises the town of Pokolbin while the relevant broader community comprises the Cessnock LGA.

Positive benefits

64. The Authority is satisfied, on the material provided by the Applicant that the Applicant has demonstrated that revoking the licence conditions will provide some additional benefit to members of the local and broader community who wish to have more options when purchasing boutique packaged liquor in the form of beer wine and spirits in the Hunter Valley region. The Authority notes and accepts that the licensed business will remain a speciality wine outlet.
65. That is, the Authority is satisfied that granting the Application will be consistent with the "expectations, needs and aspirations of the community" in respect of the local community of Pokolbin, being an object of section 3(1)(a). The Authority is satisfied that the Applicant distributed notices to the surrounding community including various stakeholders without receiving any adverse comments or complaints and the lack of objection from OLGR, Police and Council.
66. Noting the existing availability of packaged liquor licensed premises serving the local and broader community (as apparent from the Authority's licensing records) the Authority is also satisfied a packaged liquor licence in the Hunter Valley region would diversify the range of options available to the local community of Pokolbin seeking to purchase from a full range of packaged liquor. In this sense the Authority is satisfied that the proposed new business will develop, in the public interest, the liquor industry that serves the local and broader community, for the purposes of section 3(1)(b) of the Act.
67. The Authority is satisfied that Pokolbin is an vineyard area that attracts and caters for tourism and in this respect granting the Application will further contribute to the reasonable development of related industry, being the local tourism industry, which is a statutory purpose of section 3(1)(c) of the Act. The Authority is satisfied that the proposed business will be attractive to visitors to Pokolbin and provide benefits of increased convenience and choice to the local community and visitors alike.

Negative impacts

68. The Authority is satisfied that over time there will likely be some contribution from the liquor sold at the Premises to alcohol related crime, disturbance or adverse impact upon amenity from a minority of customers who abuse packaged liquor purchased from the Premises.
69. The Authority notes that alcohol related domestic violence data is of particular interest when assessing the social impact of a packaged liquor business given that packaged liquor tends to be consumed in the home, where most domestic violence also occurs.
70. The Authority acknowledges that there is some cause for concern arising from the BOCSAR data on *Crime by LGA and Alcohol Related Status* obtained from published BOCSAR sources for calendar year 2013. The Authority acknowledges that this data shows that the rate of recorded *domestic violence related assault* incidents in which alcohol was flagged by reporting Police as a contributing factor across the Cessnock LGA was **260** per 100,000 persons, which is significantly higher than the NSW state average of **145** per 100,000 persons. The statistics also outline that the rate of alcohol related *malicious damage to property* in the Cessnock LGA is **165**, which is higher than the NSW rate of **122**.
71. The Authority also notes that the rate of *non-domestic violence related assault* incidents flagged by reporting Police as alcohol related in the Cessnock LGA for 2013 was **165**, which is lower than the rate for NSW of **191**. The rate of *offensive conduct* offences flagged by reporting Police as alcohol related in this LGA was **30** per 100,000 persons, which is lower than the NSW rate of **83**. The rate of *assault police* incidents flagged by reporting Police as alcohol related in this LGA was **20**, lower than the NSW rate of **24**.
72. However, the Authority is satisfied on the basis of the BOCSAR crime data from April 2014 to March 2015, that the Premises is not located in any areas of significant concern for incidents of *malicious damage, domestic assault or non-domestic assault*.
73. The Authority further notes that ABS SEIFA data indicates that the state suburb of Pokolbin is categorised as relatively advantaged as it ranks in the ninth decile by comparison to other state suburbs in New South Wales on the Index of Relative Socio-economic Advantage and Disadvantage.
74. This provides the Authority with additional confidence that the local community does not demonstrate socio-demographic indicia that are typically associated in the literature (including the research noted in *Authority Guideline 6: Consideration of social impact under Section 48(5) of the Liquor Act 2007*) with adverse alcohol related social impacts.
75. However, the Authority acknowledges that the broader community of the Cessnock LGA is relatively disadvantaged, ranking in the second decile by comparison to other state suburbs in New South Wales on the Index of Relative Socio-economic Advantage and Disadvantage. So the SEIFA data is mixed in this regard.
76. The Authority is satisfied that the Cessnock LGA has **25.58 packaged liquor licences** per 100,000 people which is lower than the NSW state average. Cessnock LGA also has lower rates than the NSW average for *club licences, full hotel licences, liquor limited licences and on-premises licences*.
77. As for licence density in the local community of Pokolbin, the Authority is satisfied that there are no hotels, no registered clubs and eight packaged liquor licensed premises in the suburb, which are registered to Hope Estate, Rosemount Pokolbin, Small

Winemakers Centre, Pokolbin Estate Vineyard, Wynwood Estate Pty Limited, Tamalee Vineyard Estate, Mt Pleasant Winery and Mevagissey.

78. The Authority is satisfied that the following aspects of the proposal will objectively operate to constrain the extent of adverse social impact arising from the abuse of packaged liquor in the circumstances of the Application.
79. The Authority current licensed trading hours are between 5:00am to 12:00 midnight Monday through Saturday and 10:00am to 10:00pm Sundays. The Authority notes that the licence record pre-dates and does not reflect the statutory reforms introduced into the Act during February 2014 which now prevents takeaway liquor sales after 10:00pm across the State.
80. Nevertheless, the Applicant has agreed to reduce the licensed trading hours of the Premises from Monday to Sunday 10:00am to 10:00pm. The Authority notes the Applicant's submissions that the licensed business will actually trade from 10:00am to 5:00pm Monday to Thursday and from 10:00am to 6:00pm on Friday and Saturday evening which is considerably less than the hours imposed on the licence.
81. The Authority notes the absence of any adverse submissions from members of the local or broader community, Police, OLGR, HVWTA or Council. That is, no submissions have been made identifying localised concerns with the abuse of packaged liquor in the particular location or area in which the Premises is located.
82. The Applicant has also consented to a new condition mandating that the licensed business be conducted in accordance with its Plan of Management dated 15 July 2015. This Plan of Management implements harm minimisation measures designed to ensure all staff members are adequately trained and will engage in steps that ensure the extent of adverse impact arising from the abuse of liquor sold at the Premises is constrained. These measures will become mandatory and enforceable requirements and the Plan will not simply serve as a business planning document.
83. The Authority notes and accepts that upgraded security measures such as CCTV will be installed and that the new business will operate pursuant to requirements of the local liquor accord.

CONCLUSION

84. Considering together the found positive benefits and taking into account the factors which are likely to objectively constrain or minimise the extent of negative impacts arising from the operation of this business in this community, the Authority is satisfied that the overall social impact of granting this Application for the removal of two conditions from the packaged liquor licence will not be detrimental to the well-being of the local or broader community.
85. The Authority has considered all of the statutory objects and considerations prescribed by section 3 of the Act and is satisfied that the revocation of the two licence conditions is in the public interest.
86. The Authority has decided, pursuant to section 53(2)(a) of the Act to revoke conditions "210" and "220" on the basis of the Application from the licensee. The Authority has further decided, pursuant to section 53(2)(b) of the Act, that it is in the public interest to revoke the now obsolete condition "240" from the licence. This action is taken on the Authority's own initiative.

87. These changes to the licence take effect from 13 August 2015 when Authority staff notified the decisions and provided a new licence record reflecting these changes.



Micheil Brodie
Chief Executive

DATED 6 / 12 / 2015